

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Dale Mesta
Amy Mesta
Debtor(s)**

Bankruptcy Case No.: 17-25101-CMB
Issued Per Mar. 12, 2018 Proceeding
Chapter: 13
Docket No.: 41 - 21
Concil. Conf.: July 12, 2018 at 02:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 18, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Jul. 12, 2018 at 02:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Toyota Motor Credit at Claim No. 2 governs at zero percent per contract .
- H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

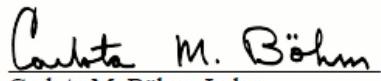
C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm
Judge
United States Bankruptcy Court

Dated: March 19, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Dale Mesta
 Amy Mesta
 Debtors

Case No. 17-25101-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 44

Date Rcvd: Mar 19, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 21, 2018.

db/jdb +Dale Mesta, Amy Mesta, 33 Ladera Drive, Bethel Park, PA 15102-1119
 cr +Bethel Park School District, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +Municipality of Bethel Park, Goehring, Rutter & Boehm, 437 Grant Street, 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES 15219-6101
 cr +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14749239 +American Express, Po Box 1270, Newark, NJ 07101-1270
 14776214 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 14782683 +American Water, c/o Pennsylvania American Water, PO Box 371880, Pittsburgh, PA 15250-7880
 14749240 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, Po Box 15019, Wilmington, DE 19886)
 14749241 +Best Buy Credit Services, Po Box 9001007, Louisville, KY 40290-1007
 14791503 +Bethel Park School District, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14749242 +Capital One, Po Box 71083, Charlotte, NC 28272-1083
 14779172 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14776213 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14749243 +Chase Cardmember Service, Po Box 1423, Charlotte, NC 28201-1423
 14749244 +Citi Bank, Po Box 9001037, Louisville, KY 40290-1037
 14780816 +Department Stores National Bank, Citibank, N.A., 701 East 60th Street North,
 Sioux Falls, SD 57104-0493
 14749246 +Home Depot, Po Box 9001010, Louisville, KY 40290-1010
 14749249 +Macy's, Po Box 78008, Phoenix, AZ 85062-8008
 14791502 +Municipality of Bethel Park, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 14749250 +NTB Credit Plan, Po Box 9001006, Louisville, KY 40290-1006
 14749251 PA American Water, P.O. Box 371412, Pittsburgh, PA 15250-7412
 14768115 +PNC, PO Box 94982, Cleveland, OH 44101-4982
 14749253 +PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
 14749254 +PNC Everyday Rewards, P.O. box 856177, Louisville, KY 40285-6177
 14749255 +PNC Flex Visa, PNC Bank, Po Box 856177, Louisville, KY 40285-6177
 14749256 +PNC Home Equity, PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
 14749252 Peoples Gas, PO Box 644760, Pittsburgh, PA 15264-4760
 14749261 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota, Toyota Financial Services, Po Box 5855,
 Carol Stream, IL 60197)
 14749260 +Thomas Davis, 160 Highview Dr., Pittsburgh, PA 15241-1637
 14767295 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 14749262 Verizon, 500 Technology Drive, Suite 550, Water Spring, MO 66304

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14749245 +E-mail/PDF: gecscedi@recoverycorp.com Mar 20 2018 02:09:25 Dick's, Synchrony Bank/ROS,
 Po Box 960012, Orlando, FL 32896-0012
 14749247 +E-mail/Text: bnckohlsonices@becket-lee.com Mar 20 2018 01:52:44 Kohl's, Po Box 2983,
 Milwaukee, WI 53201-2983
 14782917 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 20 2018 02:09:44
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14749248 E-mail/PDF: gecscedi@recoverycorp.com Mar 20 2018 02:07:40 Lowes/Synchrony Bank,
 PO Box 530914, Atlanta, GA 30353-0914
 14749719 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 20 2018 02:07:43
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14779208 E-mail/Text: bnc-quantum@quantum3group.com Mar 20 2018 01:52:54
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14749257 +E-mail/PDF: gecscedi@recoverycorp.com Mar 20 2018 02:09:25 Sam's Club/Synchrony Bank,
 Po Box 530942, Atlanta, GA 30353-0942
 14749258 E-mail/PDF: gecscedi@recoverycorp.com Mar 20 2018 02:08:30 Synchrony Bank/Amazon,
 PO Box 960013, Orlando, FL 32896-0013
 14749259 +E-mail/PDF: gecscedi@recoverycorp.com Mar 20 2018 02:09:25 Synchrony Bank/Levin,
 Po Box 960061, Orlando, FL 32896-0061
 14784644 E-mail/PDF: EBN_AIS@AMERICANINFO SOURCE.COM Mar 20 2018 02:09:16 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14749263 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 20 2018 01:53:19 West Penn Power,
 5001 NASA Blvd., Fairmont, WV 26554-8248
 14768126 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 20 2018 01:53:19 West Penn Power,
 800 Cabin Hill Drive, Greensburg, PA 15601-1689

TOTAL: 12

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 44

Date Rcvd: Mar 19, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Toyota Motor Credit Corporation
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14768101* +American Express, Po Box 1270, Newark, NJ 07101-1270
14768102* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, Po Box 15019, Wilmington, DE 19886)
14768103* +Best Buy Credit Services, Po Box 9001007, Louisville, KY 40290-1007
14768104* +Capital One, Po Box 71083, Charlotte, NC 28272-1083
14768105* +Chase Cardmember Service, Po Box 1423, Charlotte, NC 28201-1423
14768106* +Citi Bank, Po Box 9001037, Louisville, KY 40290-1037
14768107* +Dick's, Synchrony Bank/ROS, Po Box 960012, Orlando, FL 32896-0012
14768108* +Home Depot, Po Box 9001010, Louisville, KY 40290-1010
14768109* +Kohl's, Po Box 2983, Milwaukee, WI 53201-2983
14768110* Lowes/Synchrony Bank, PO Box 530914, Atlanta, GA 30353-0914
14768111* +Macy's, Po Box 78008, Phoenix, AZ 85062-8008
14768112* +NTB Credit Plan, Po Box 9001006, Louisville, KY 40290-1006
14768113* PA American Water, P.O. Box 371412, Pittsburgh, PA 15250-7412
14768116* +PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
14768117* +PNC Everyday Rewards, P.O. box 856177, Louisville, KY 40285-6177
14768118* +PNC Flex Visa, PNC Bank, Po Box 856177, Louisville, KY 40285-6177
14768119* +PNC Home Equity, PNC Bank, Po Box 747032, Pittsburgh, PA 15274-7032
14768114* Peoples Gas, PO Box 644760, Pittsburgh, PA 15264-4760
14768120* +Sam's Club/Synchrony Bank, Po Box 530942, Atlanta, GA 30353-0942
14768121* Synchrony Bank/Amazon, PO Box 960013, Orlando, FL 32896-0013
14768122* +Synchrony Bank/Levin, Po Box 960061, Orlando, FL 32896-0061
14768124* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota, Toyota Financial Services, Po Box 5855,
Carol Stream, IL 60197)
14768123* +Thomas Davis, 160 Highview Dr., Pittsburgh, PA 15241-1637
14768125* Verizon, 500 Technology Drive, Suite 550, Water Spring, MO 66304

TOTALS: 1, * 25, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 21, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 19, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmllawgroup.com
Jeffrey R. Hunt on behalf of Creditor Bethel Park School District jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Municipality of Bethel Park jhunt@grblaw.com,
cnoroski@grblaw.com
Julie Frazee Steidl on behalf of Debtor Dale Mesta julie.steidl@steidl-steinberg.com,
leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;cgoga@steidl-steinberg.com;r53037@notify.bes
tcase.com/rlager@steidl-steinberg.com
Julie Frazee Steidl on behalf of Joint Debtor Amy Mesta julie.steidl@steidl-steinberg.com,
leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;cgoga@steidl-steinberg.com;r53037@notify.bes
tcase.com/rlager@steidl-steinberg.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteeewda.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 8